

REMARKS

Reconsideration and withdrawal of the rejections of the claimed invention is respectfully requested in view of the amendments, remarks and enclosures herewith, which place the application in condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

With the entry of this amendment, claims 1-3 and 6-20 would be pending in this application. The present amendments should be entered as they would simplify matters for appeal (claim 1 has been amended to incorporate the limitations of previous claims 4 and 5 (now cancelled); claim 11 has been amended accordingly). Moreover, if a proper search in accordance with the guidelines presented in MPEP 904.03 was followed, no further search or consideration is necessary in considering amended claim 1 and 11.¹

No new matter has been added by this amendment.

NOTE: Claim 9 was not objected or rejected in the previous office action.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. THE OBJECTIONS TO THE CLAIMS HAVE BEEN OVERCOME

The objections to claims 1 have been overcome by the correction of the status identifiers.

III. THE 35 U.S.C. 102(b) REJECTION HAS BEEN OVERCOME

Claims 11 and 14 were rejected as allegedly being anticipated by GB 1,551,578 ("Colgate"). The applicants request reconsideration of this rejection for the following reasons.

In order to establish anticipation, each of the elements of the applicants' invention must be disclosed in the prior art reference and be disclosed in such a manner such that the identical

¹ MPEP 904.03 states in part "[i]t is normally not enough that references be selected to meet only the terms of the claims alone, especially if only broad claims are presented; but the search should, insofar as possible, also cover all subject matter which the examiner reasonably anticipates might be incorporated into applicant's amendment. Applicants can facilitate a complete search by including, at the time of filing, claims varying from the broadest to which they believe they are entitled to the most detailed that they would be willing to accept."

invention is shown in as complete detail as is contained in the applicants' claim. *See MPEP 2131*. While the applicants believe that the Colgate reference did not meet this requirement for anticipation prior to amendment, Colgate clearly does not anticipate the applicants' invention in light of the present amendment.

The primary basis for maintaining the rejection is that the gelatin is being read as being a natural polymer. However, the claims as amended exclude the use of gelatin as a natural polymer and there is no teaching within Colgate which teaches or suggests the use of "a natural and/or synthetic polymer which is selected from the group consisting of polyamides, polyacrylates, polyamino acids, polyvinyl acetate, polyvinyl alcohol, polyethylene glycols, polyvinylpyrrolidones, pullulan, alginic acid, starch, cellulose, cellulose derivatives and mixtures thereof" as is currently claimed.

In addition, claims 11 and 14 are directed toward a method of producing a solid soap preparation and the use of gelatin by Colgate directs one of ordinary skill in the art to a fundamentally different process, i.e. the solid soap preparation of the applicants' invention is formed by a drying step (see applicants' claim 11, step (d)).

Colgate notes that gelatin "is a vital constituent of the present composition", i.e. Colgates' elastic detergent bar (page 4, line 5). The gelatin is employed as a "dry granular product" (page 4, lines 21-22) and "it melts to a viscous solution in water when warmed to 40 to 45°C or more" (page 4, line 24) and the "solution or dispersion may then be *poured into suitable moulds, chilled and thereby solidified.*" (page 5, lines 18-19 (emphasis added)).

Not only is the applicants' drying not taught by Colgate. their procedure for forming a solid soap is in complete contrast to the applicants' claimed process.

Therefore, Colgate does not teach all elements of the applicants claimed invention as amended and does not anticipate applicants' claims 11 and 14.

IV. THE 35 U.S.C. 103(a) REJECTION HAS BEEN OVERCOME

Claims 1-8, 10 and 15-20 were rejected as allegedly being obvious by GB 1,551,578 in view of Mabley US 2,356,158. The applicants request reconsideration of this rejection for the following reasons.

The primary basis for maintaining the rejection is that the gelatin is being read as being a natural polymer. However, the claims as amended exclude the use of gelatin as a natural polymer and

there is no teaching within Colgate which teaches or suggests the use of “a natural and/or synthetic polymer which is selected from the group consisting of polyamides, polyacrylates, polyamino acids, polyvinyl acetate, polyvinyl alcohol, polyethylene glycols, polyvinylpyrrolidones, pullulan, alginic acid, starch, cellulose, cellulose derivatives and mixtures thereof” as is currently claimed.

As all claim limitations have not been taught or suggested by Colgate, claims 1-8, 10 and 15-20 are also not obvious over Colgate combined with Mabley reference.

Claims 12 and 13 were rejected as allegedly being obvious by GB 1,551,578. The applicants request reconsideration of this rejection for the following reasons.

As claims 12 and 13 are dependent upon claim 11, the applicants' arguments with respect to claim 11 are also applicable here. As all claim limitations have not been taught or suggested by Colgate, claims 12 and 13 are also not obvious over the Colgate reference.

CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: Howard C. Lee
Marilyn M. Brogan Howard C. Lee
Reg. No. 31,223 Reg. No. 48,104
Telephone: (212) 588-0800
Facsimile: (212) 588-0500